

Serial No.: 10/655,825
Amendment dated 12 July 2005
Reply to Office Action mailed 13 May 2005

REMARKS

This Patent Application has been reconsidered carefully in light of the Office Action dated as mailed on 13 May 2005. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

There is no additional claim fee due for this Amendment because the total number of claims does not exceed the number of independent and dependent claims for which fees have previously been paid.

Request for Telephone Interview

Applicants' undersigned attorney requests a telephone interview with the Examiner to discuss the merits of this Patent Application. The undersigned requests this interview if the amendments and arguments are not deemed sufficient to place this Patent Application in condition for allowance. If the Examiner feels the claims are not allowable for any reason, then please telephone the undersigned, Eric T. Krischke, at (847) 490-1400.

Amendments to the Claims

By the above Amendment, independent Claim 1 has been amended require each leg to include *opposing edge portions each having an arcuate shape, each opposing edge portion curving inwardly with respect to the portable desk and*

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the arcuate shape corresponding to at least a portion of one of a first side wall and a second side wall of the base. Support for this amendment is found throughout Applicants' specification, for example at page 5, lines 15-18, original dependent Claim 11, and in Figs. 1, 2 and 5. Original dependent Claim 11 has been canceled, accordingly.

Independent Claim 13 has been amended to require that each of the first leg and the second leg form *a concave portion*, and include *opposing edge portions having an arcuate shape, each opposing edge portion curving inwardly with respect to the portable desk and the arcuate shape corresponding to at least a portion of one of a first side wall and a second side wall of the base.* Support for this amendment is found throughout Applicants' specification, for example at page 5, lines 15-18, original dependent Claim 22, and in Figs. 1, 2 and 5. Original dependent Claim 22 has been canceled, accordingly.

Independent Claim 25 has been amended to require *each opposing edge portion curving inwardly with respect to the portable desk.* Support for this amendment is found throughout Applicants' specification, for example at page 5, lines 15-18, original dependent Claim 27, and in Figs. 1, 2 and 5. Original dependent Claim 27 has been canceled, accordingly.

Claims 1-10, 12-21, 24 and 25 remain in the application.

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Allowable Subject Matter

As a preliminary matter, the undersigned wishes to thank Examiner Chen for the indication that Claims 7 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejection - 35 U.S.C. § 102(b)

Claims 24, 25 and 27 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Design Patent D455,025 to Weitzman et al. (hereinafter "Weitzman"). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Independent Claim 25, as amended, requires each leg to have opposing edge portions having an arcuate shape. Each opposing edge portion curves inwardly with respect to the portable desk and the arcuate shape corresponds to at least a portion of the first side wall or the second side wall.

Weitzman discloses a design for a collapsible computer table. Weitzman does not disclose each leg including opposing edge portions having an arcuate shape. and each curving inwardly with respect to the portable desk with the arcuate shape corresponding to at least a portion of the first side wall or the second side wall, as required by Applicants' claimed invention.

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Weitzman does not disclose each and every element or limitation of independent Claim 25, as required for a reference to anticipate a claim under 35 U.S.C. § 102. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1, 3-6, 8, 11, 13, 17-20 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,049,091 to Chubb (hereinafter "Chubb") in view of Weitzman and U.S. Patent 1,309,774 to Otte (hereinafter "Otte"). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

By the above Amendment, independent Claim 1 has been amended to require each leg to include *opposing edge portions each having an arcuate shape, each opposing edge portion curving inwardly with respect to the portable desk and the arcuate shape corresponding to at least a portion of one of a first side wall and a second side wall of the base*. Support for this amendment is found throughout Applicants' specification, for example at page 5, lines 15-18, original dependent Claim 11, and in Figs. 1, 2 and 5. Independent Claim 13 was similarly amended to require that each of the first leg and the second leg form *a concave portion*, and include *opposing edge portions having an arcuate shape, each opposing edge portion*

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curving inwardly with respect to the portable desk and the arcuate shape corresponding to at least a portion of one of a first side wall and a second side wall of the base.

Chubb does not teach or suggest a portable desk including legs each including opposing edge portions having an arcuate shape, each opposing edge portion curving inwardly with respect to the portable desk and the arcuate shape corresponding to at least a portion of one of a first side wall and a second side wall of the base, as required by Applicants' claimed invention. Neither Weitzman, as discussed above, nor Otte overcome the deficiencies of Chubb.

Applicants disagree with the Examiner's allegation that Weitzman teaches legs having a concave portion that forms a handle. However, such argument may be considered moot in view of the above Amendment.

Otte teaches a folding table having four legs each bent from a metallic rod. Otte does not teach or suggest legs each including opposing edge portions having an arcuate shape, each opposing edge portion curving inwardly with respect to the portable desk and the arcuate shape corresponding to at least a portion of one of a first side wall and a second side wall of the base, as required by Applicants' claimed invention.

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Thus, the above Amendment and remarks overcome the rejection of Claims 1, 3-6, 8, 11, 13, 17-20 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Chubb in view of Weitzman and Otte. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 2, 12, 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chubb in view of Weitzman and Otte as applied to the claims above, and further in view of U.S. Patent 6,164,213 to Topps et al. (hereinafter "Topps"). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Claims 2 and 12 depend from and further limit amended independent Claim 1, which Applicants believe is patentable for at least the reasons presented above. Claims 14 and 15 ultimately depend from and further limit amended independent Claim 13, which Applicants believe is patentable for at least the reasons presented above. Thus, the above Amendment and remarks overcome the rejection of Claims 2, 12, 14 and 15 as being unpatentable over Chubb in view of Weitzman and Otte as applied to the claims above, and further in view of Topps. Accordingly, Applicants respectfully request withdrawal of this rejection.

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Conclusion

It is believed that the above Amendment places all pending claims in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of this Patent Application.

Respectfully submitted,

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